

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

THOMAS WALDEN, et al.

v.

CITY OF PROVIDENCE, et al.

C.A. No. 04-304A

This verdict form applies to the claims made by the so-called "Walden" Plaintiffs who consist of current or former employees of the Providence Fire Department and members of their families. In particular, they are:

Thomas Walden
Linda Walden
Robert J. Barrett
Michelle A. Barrett
William R. Kenyon, Jr.
Susan M. Kenyon
Paige M. Kenyon
Kory Z. Kenyon
Philip E. Payne
Darlene Belhumeur-Payne
Bethany Payne
Andrea Payne
Laura Belhumeur
Paul A. Doughty
Stephanie Doughty
Laura Doughty
Rebecca Doughty
Frank Reddington
Margaret Reddington
Brendan Reddington
Daniel Reddington
Joseph Mellor
Teresa Mellor
Patrick Leonard
Lori Leonard
Joseph Molis
Deborah Molis
E. Christopher Petit
Jeanne M. Petit
Donald J. Dubuque

Kathleen A. Dubuque
Robert Reilly
Brandon Reilly
Jordan Reilly
Kerrin Swann
Paul Buteau
Matthew L. Randall
Kara E. Randall
Edward S. Kennedy
Carolyn M. Kennedy
Laura Kennedy
Donald Rathbone
Lori A. Rathbone
Daniel Rathbone
Peter K. McMichael, Jr.
Colleen F. McMichael
Peter K. McMichael III
Frederick A. Robinson, Jr.
Janet D. Robinson
Abigail Robinson
Emma Robinson
Ernest E. Young IV
Linda S. Young
Craig Martin
Paul M. Picozzi
Kimberly E. Picozzi
Ernest Robert
Mary Ellen (Dubaldo) Robert
Kyle Robert
Ashley Robert

Jackie Robert
Michael Bates
Sarah Good
Michael J. Hughes
Deborah McIntyre-Hughes
Paul A. Wentworth
William J. Higginson, Jr.
Michael C. Segee
Susan M. Segee
Donna Luce
David Neri
Bonnie Benson
Gerald P. Carvalho
Belkys A. Carvalho
Garrick Carvalho
Angelique Carvalho
Joseph W. Bretanha
Diane K. Bretanha
Lauren Bretanha
Leanne Bretanha
Mark Tillman
Roger D. Richards, Jr.
JOSHETTA GABBIDON
Steven G. Ruhle
Steven Ruhle Jr.
Kayla Ruhle
Daniel J. Brodeur
Amy L. Brodeur
Megan Brodeur
Michaela Brodeur

Joseph R. Vingi, Jr.

Mary M. Vingi

Joseph Vingi III

Sophia Vingi

Kenneth G. Greenwell

Kathleen Greenwell

Christopher P. O'Halloran

Colleen E. O'Halloran

James J. Rock

Carol O'Brien

William L. Serbst, III

Carol M. Serbst

Daniel V. Rinaldi

Desiree Rinaldi

Ashley Rinaldi

Robert Cataldo

Jennifer Cataldo

Anthony Cataldo

Christina Cataldo

Joseph Cataldo

Peter J. Celani

Diane G. Celani

Vincent P. Clements

John J. Hannon

Robert D. Crellin

Christopher S. Wagner

Counts I and II / Constitutional Claims

1. On the claim that Defendant Manuel Vieira violated Plaintiffs' constitutional right to be free from unreasonable searches and seizures, we the jury find:

A. For Plaintiffs

✓

B. For Defendant Manuel Vieira

2. On the claim that Defendant Mary Lennon violated Plaintiffs' constitutional right to be free from unreasonable searches and seizures, we the jury find:

A. For Plaintiffs

✓

B. For Defendant Mary Lennon

3. On the claim that the "Municipal Defendants" (that is, the City of Providence and Mayor David Cicilline and Colonel Dean Esserman, in their official capacities) violated Plaintiffs' constitutional right to be free from unreasonable searches and seizures pursuant to a municipal policy or long-standing City custom or practice of the City, we the jury find:

A. For Plaintiffs

✓

B. For the Municipal Defendants

4. If you found in favor of Plaintiffs on either Questions 1, 2 or 3 above, you shall award \$1.00 to each Plaintiff as nominal damages.

- 5(a). If you found in favor of Plaintiffs on Question 1 above regarding Defendant Manuel Vieira, you may award punitive damages to Plaintiffs. On Plaintiffs' claim for punitive damages against Manuel Vieira, we the jury find:

A. For Plaintiffs ✓; and award punitive damages in the amount of \$ 1 for each Plaintiff.

B. For Defendant Manuel Vieira _____; and award no punitive damages.

5(b). If you found in favor of Plaintiffs on Question 2 (page 1) regarding Defendant Mary Lennon, you may award punitive damages to Plaintiffs. On Plaintiffs' claim for punitive damages against Defendant Mary Lennon, we the jury find:

- A. For Plaintiffs ✓; and award punitive damages in the amount of \$ 1 for each Plaintiff.
- B. For Defendant Mary Lennon ; and award no punitive damages.
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Counts IV and VI / Statutory Claims

1. On the claim that Defendant Manuel Vieira intentionally intercepted, sought to intercept or procured another to intercept any of Plaintiffs' telephone calls made or received at the Providence Public Safety Complex, we the jury find:

- A. For Plaintiffs ✓
- B. For Defendant Manuel Vieira

2. On the claim that Defendant Mary Lennon intentionally intercepted, sought to intercept or procured another to intercept any of Plaintiffs' telephone calls made or received at the Providence Public Safety Complex, we the jury find:

- A. For Plaintiffs
- B. For Defendant Mary Lennon ✓

3. On the claim that the "Municipal Defendants" (that is, the City of Providence and Mayor David Cicilline and Colonel Dean Esserman, in their official capacities) intentionally intercepted, sought to intercept or procured another to intercept any of Plaintiffs' telephone calls made or received at the Providence Public Safety Complex, we the jury find:

- A. For Plaintiffs ✓
- B. For the Municipal Defendants

4. If you found for Plaintiffs on either Questions 1, 2 or 3 (page 2); on the defense that such interceptions were done by an investigative or law enforcement officer in the ordinary (that is, routine and noninvestigative) course of his duties, we the jury find:

A. For Plaintiffs

✓

B. For Defendants

5. If you found for Plaintiffs on either Question 1, 2, or 3 (page 2), and you found for Plaintiffs on Question 4 above (page 3), do you find that any Plaintiffs consented to the interception of their telephone calls made or received at the Providence Public Safety Complex?

Yes _____

No ✓

If yes, please identify by name each Plaintiff who consented? _____

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6. If you found for Plaintiffs on either Question 1, 2 or 3 (page 2), and you found for Plaintiffs on Question 4 (page 3), on how many particular days, if any, between May 23, 2002 and February 10, 2003 has each Plaintiff established by a preponderance of the evidence that he or she made or received telephone calls to and/or from the Providence Public Safety Complex which were intercepted?

Thomas Walden / Number of Days: 81
Linda Walden / Number of Days: 0

Robert J. Barrett / Number of Days: 87
Michelle A. Barrett / Number of Days: 0

William R. Kenyon, Jr. / Number of Days: 95
Susan M. Kenyon / Number of Days: 0
Paige M. Kenyon / Number of Days: 0
Kory Z. Kenyon / Number of Days: 0

Philip E. Payne / Number of Days: 66
Darlene Belhumeur-Payne / Number of Days: 0
Bethany Payne / Number of Days: 0
Andrea Payne / Number of Days: 0
Laura Belhumeuer / Number of Days: 0

Paul A. Doughty / Number of Days: 53
Stephanie Doughty / Number of Days: 0
Laura Doughty / Number of Days: 0
Rebecca Doughty / Number of Days: 0

Frank Reddington / Number of Days: 74
Margaret Reddington / Number of Days: 0
Brendan Reddington / Number of Days: 0
Daniel Reddington / Number of Days: 0

Joseph Mellor / Number of Days: 41
Teresa Mellor / Number of Days: 0

Patrick Leonard / Number of Days: 1
Lori Leonard / Number of Days: 0

Joseph Molis / Number of Days: 14
Deborah Molis / Number of Days: 0

E. Christopher Petit / Number of Days: 1
Jeanne M. Petit / Number of Days: 0

Donald J. Dubuque / Number of Days: 91
Kathleen A. Dubuque / Number of Days: 0

Robert Reilly / Number of Days: 92
Brandon Reilly / Number of Days: 0
Jordan Reilly / Number of Days: 0
Kerrin Swann / Number of Days: 0

Paul Buteau / Number of Days: 58

Matthew L. Randall / Number of Days: 93
Kara E. Randall / Number of Days: 0

Edward S. Kennedy / Number of Days: 86
Carolyn M. Kennedy / Number of Days: 0
Laura Kennedy / Number of Days: 0

Donald Rathbone / Number of Days: 79
Lori A. Rathbone / Number of Days: 0
Daniel Rathbone / Number of Days: 0

Peter K. McMichael, Jr. / Number of Days: 28
Colleen F. McMichael / Number of Days: 0
Peter K. McMichael III / Number of Days: 0

Frederick A. Robinson, Jr. / Number of Days: 75
Janet D. Robinson / Number of Days: 0
Abigail Robinson / Number of Days: 0
Emma Robinson / Number of Days: 0

Ernest E. Young IV / Number of Days: 74
Linda S. Young / Number of Days: 0

Craig Martin / Number of Days: 69

Paul M. Picozzi / Number of Days: 74
Kimberly E. Picozzi / Number of Days: 0

Ernest Robert / Number of Days: 66
Mary Ellen (Dubaldo) Robert / Number of Days: 0
Kyle Robert / Number of Days: 0
Ashlee Robert / Number of Days: 0
Jackie Robert / Number of Days: 0

Michael Bates / Number of Days: 81
Sarah Good / Number of Days: 0

Michael J. Hughes / Number of Days: 0
Deborah McIntyre-Hughes / Number of Days: 0

Paul A. Wentworth / Number of Days: 80

William J. Higginson, Jr. / Number of Days: 59

Michael C. Segee / Number of Days: 85
Susan M. Segee / Number of Days: 0

Donna Luce / Number of Days: 40
David Neri / Number of Days: 0
Bonnie Benson / Number of Days: 2

Gerald P. Carvalho / Number of Days: 3
Belkys A. Carvalho / Number of Days: 0
Garrick Carvalho / Number of Days: 0
Angelique Carvalho / Number of Days: 0

Joseph W. Bretanha / Number of Days: 92
Diane K. Bretanha / Number of Days: 0
Lauren Bretanha / Number of Days: 0
Leanne Bretanha / Number of Days: 0

Mark Tillman / Number of Days: 0

Roger D. Richards, Jr. / Number of Days: 80
JOSHETTA GABBIDON / Number of Days: 0

Steven G. Ruhle / Number of Days: 87
Steven Ruhle Jr. / Number of Days: 0
Kayla Ruhle / Number of Days: 0

Daniel J. Brodeur / Number of Days: 90
Amy L. Brodeur / Number of Days: 0
Megan Brodeur / Number of Days: 0
Michaela Brodeur / Number of Days: 0

Joseph R. Vingi, Jr. / Number of Days: 85
Mary M. Vingi / Number of Days: 0
Joseph Vingi III / Number of Days: 0
Sophia Vingi / Number of Days: 0

Kenneth G. Greenwell / Number of Days: 87
Kathleen Greenwell / Number of Days: 0

Christopher P. O'Halloran / Number of Days: 90
Colleen E. O'Halloran / Number of Days: 0

James J. Rock / Number of Days: 98
Carol O'Brien / Number of Days: 0

William L. Serbst, III / Number of Days: 87
Carol M. Serbst / Number of Days: 0

Daniel V. Rinaldi / Number of Days: 92
Desiree Rinaldi / Number of Days: 0
Ashley Rinaldi / Number of Days: 0

Robert Cataldo / Number of Days: 5
Jennifer Cataldo / Number of Days: 0
Anthony Cataldo / Number of Days: 0
Christina Cataldo / Number of Days: 0
Joseph Cataldo / Number of Days: 0

Peter J. Celani / Number of Days: 91
Diane G. Celani / Number of Days: 0

Vincent P. Clements / Number of Days: 92

John J. Hannon / Number of Days: 98

Robert D. Crellin / Number of Days: 80

Christopher S. Wagner / Number of Days: 23

7(a). If you found in favor of Plaintiffs on Question 1 (page 2) regarding Defendant Manuel Vieira, and Question 4 (page 3), you may award punitive damages to Plaintiffs. On Plaintiffs' claim for punitive damages against Defendant Manuel Vieira, we the jury find:

A. For Plaintiffs ✓; and award punitive damages in the amount of \$ 0 for each Plaintiff.

B. For Defendant Manuel Vieira _____; and award no punitive damages.

7(b). If you found in favor of Plaintiffs on Question 2 (page 2) regarding Defendant Mary Lennon, and Question 4 (page 3), you may award punitive damages to Plaintiffs. On Plaintiffs' claim for punitive damages against Defendant Mary Lennon, we the jury find:

A. For Plaintiffs _____; and award punitive damages in the amount of \$ _____ for each Plaintiff.

B. For Defendant Mary Lennon ✓; and award no punitive damages.

Count V / Right to Privacy Claim

1. On the claim that Defendant Manuel Vieira violated Plaintiffs' state law right to privacy, we the jury find:

For Plaintiffs

✓

For Defendant Manuel Vieira

2. On the claim that Defendant Mary Lennon violated Plaintiffs' state law right to privacy, we the jury find:

For Plaintiffs

✓

For Defendant Mary Lennon

3. On the claim that the Municipal Defendants (the City of Providence and Mayor David Cicilline and Colonel Dean Esserman, in their official capacities) violated Plaintiffs' state law right to privacy, we the jury find:

For Plaintiffs

✓

For the Municipal Defendants

4. If you find in favor of Plaintiffs on Questions 1, 2 or 3 (page 9), you shall award \$1.00 to each Plaintiff as nominal damages.

REDACTED

Signature of Representative

Date: 3/26/08